

**FILED**

NOV 08 2010  
NOV 08 2010  
Judge Samuel Den-Vaghayan  
U.S. District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
SEVENTH DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA  
Plaintiff,

vs.

RITA D. HEMPHILL  
Defendant.

CASE NO: 06-CR 324-28

MOTION TO REDUCE SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)

Defendant comes before this court seeking the reduction in her prison sentence pursuant to 18 U.S.C. § 3582(c)(2). Defendant asks this court give retroactive effect to Amendment 706 under U.S.S.G §1B1.10 and reduce her sentence from 128 months to 60 months. The Sentencing Commission has expressly designated Amendment 706 as one that may be applied retroactively. U.S.S.G. §1B1.10(c).

The district court makes two determinations in deciding whether or not to modify a sentence under 18 U.S.C. §3582(c)(2). Under the first step, the sentencing court considers what sentence it would have imposed had the retroactive amendment been in effect at the time the defendant was sentenced. U.S.S.G. §1B1.10(b). The district court determines what sentence it would have imposed had the new sentencing range been the range at the time of the original sentencing, leaving untouched all other previous factual decisions concerning particularized sentencing factors. See United States v. Wyatt, 115F.3d 606,609(8th Cir. 1997). Such factors include, inter alia, role in the offense, obstruction of justice, victim adjustments, more than minimal planning, and acceptance of responsibility.

In this particular case,

Accordingly, the district court should simply determine the Guideline range that would have applied in this case had Amendment 706 been in effect ab initio. Here, the relevant Guideline range would be 60 months opposed to the pre-Amendment's 128 month range.

Having established the applicable Amendment guideline range, the court next considers the factors contained in 18 U.S.C. Section 3582(a) and, in the exercise of its thus informed discretion, decide whether or not to modify the original sentence previously imposed. Wyatt, 115 F.3d at 609; 18 U.S.C. Section 3582(c)(2). The factors set forth in Section 3553(a) are the following: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need for the sentence imposed; (3) the kind of sentences available; (4) the applicable sentencing range under the Guidelines; (5) any pertinent Sentencing Commission policy statement; (6) the need to avoid unwarranted sentence disparities among defendants; and (7) the need to provide restitution to victims, 18 U.S.C. Section 3553(a). Put more succinctly, the statute required the sentence imposed to be minimally sufficient to satisfy concerns of retribution, general deterrence, and rehabilitation.

In conclusion, Defendant respectfully requests that this court grant her Motion for Reduction of Sentence pursuant to 18 U.S.C. Section 3582(c)(2).

Respectfully submitted,

Rita D. Hemphill

Defendant

West Virginia  
State of ~~Alderson, WV~~

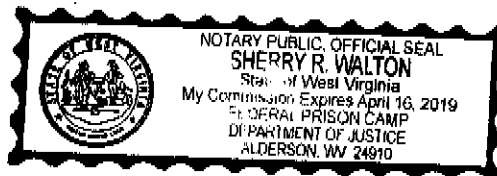
) ss:

County of Greenbrier

On 2 November 2010, before me, the undersigned, a  
Notary Public in and for said State, personally appeared  
Almonette Hemphill, known to me to be the  
person whose name is subscribed to the within instrument and  
acknowledged that she executed the same.

Witness my hand and official seal.

(SEAL)



Sherry R. Walton 11-2-10  
Notary

State of Minnesota     )  
                                      ) ss:  
County of \_\_\_\_\_)

On \_\_\_\_\_, before me, the undersigned, a  
Notary Public in and for said State, personally appeared

\_\_\_\_\_, known to me to be the  
person whose name is subscribed to the within instrument and  
acknowledged that she executed the same.

Witness my hand and official seal.

(SEAL)

\_\_\_\_\_  
Notary

*C. Ziegler*, CASE MANAGER  
AUTHORIZED BY THE ACT OF JULY 27, 1955  
TO ADMINISTER OATHS (18 USC 4004)

*September 5, 2010*

WASD4	*	INMATE DISCIPLINE DATA	*	10-28-2010
PAGE 001 OF 001	*	CHRONOLOGICAL DISCIPLINARY RECORD	*	12:03:53
REGISTER NO: 18668-424 NAME.: HEMPHILL, RITA				
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO ____ MOS PRIOR TO 10-28-2010				
RSP OF: WAS-WASECA FCI				

G5401 DISCIPLINE DATA DOES NOT EXIST FOR THIS INMATE

WASWA \*  
PAGE 001 OF 001 \*

INMATE EDUCATION DATA  
TRANSCRIPT

\* 10-29-2010  
\* 15:12:23

REGISTER NO: 18668-424  
FORMAT.....: TRANSCRIPT

NAME...: HEMPHILL  
RSP OF: WAS-WASECA FCI

FUNC: PRT

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
WAS ESL HAS	ENGLISH PROFICIENT	01-26-2009 1026	CURRENT
WAS GED EN	ENROLL GED NON-PROMOTABLE	01-26-2009 1026	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
WAS F	ACE CLASS: BASIC GRAMMAR SKILS	08-16-2010	10-12-2010	P	C	P	18
WAS F	ACE GED PREP: DECIMALS CLASS	07-21-2010	09-15-2010	P	C	F	18
WAS F	ACE CLS: PUBLIC SPEAKING	07-13-2010	08-24-2010	P	C	P	12
WAS F	ACE CLS: LOST CIVILIZATIONS	07-01-2010	08-19-2010	P	C	P	16
WAS F	REC CLS: CORE SOFTBALL CONDITNG	06-30-2010	06-30-2010	P	C	P	1
WAS F	REC: CORE CONDITNG VOLLEYBALL	06-29-2010	06-29-2010	P	C	P	2
WAS F	REC WELLNESS: NUTRITION CLASS	04-07-2010	04-28-2010	P	C	P	4
WAS F	REC: BUILD BETTER BODY CLS; RPP1	06-07-2010	06-28-2010	P	C	P	4
WAS F	ACE: CLASSICAL MUSICALS 1 FILM	04-29-2010	06-03-2010	P	C	P	10
WAS F	REC CLS: SOFTBALL OFFICIATING	05-13-2010	05-13-2010	P	C	P	2
WAS F	ACE CLS: HOLIDAY FILM STUDY	12-09-2009	12-30-2009	P	C	P	8
WAS F	RECREATION AIDE TRAINING CLASS	01-13-2010	01-13-2010	P	C	P	3
WAS F	ACE: ROMANCE FILM STUDY CLASS	10-01-2009	11-19-2009	P	C	P	14
WAS F	NRDAP CLASS: NEW START (RPP6)	09-10-2009	09-29-2009	P	C	P	8
WAS F	REC: VOLLEYBALL OFFICIALS CLASS	09-24-2009	09-24-2009	P	C	P	1
DAN F	PRIMARY LIT. (ENG) 12:15-2:15	02-12-2009	07-01-2009	P	W	1	156
DAN F	WESTERN AEROBICS	04-18-2009	06-27-2009	P	C	P	9
DAN F	INDUSTRY SOLDERING - ACE	04-06-2009	04-28-2009	P	C	P	16
DAN F	PARENTING-CHILD DEVELOPMENT	03-05-2009	05-14-2009	P	C	P	4
DAN F	WESTERN AEROBICS	02-07-2009	04-04-2009	P	C	P	8
DAN F	PARENTING-BLDING FAMILY FUTURE	03-05-2009	04-22-2009	P	C	P	4
DAN F	PARENTING-BLDING FAMILY FUTURE	03-05-2009	04-17-2009	P	C	P	4
DAN F	YOGA CLASS RECREATION AREA	02-07-2009	03-28-2009	P	W	V	1
DAN F	CARDIO AEROBICS	03-02-2009	03-31-2009	P	C	P	18
DAN F	CARDIO AEROBICS	02-02-2009	02-26-2009	P	C	P	16

DAN F	FIRST TIME FITNESS	02-01-2009 02-22-2009	P C P	3
DAN F	PILATES TONING CLASS	02-07-2009 02-28-2009	P W V	1
DAN F	CARDIO AEROBICS	01-05-2009 01-29-2009	P C P	16

----- HIGH TEST SCORES -----

TEST	SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
TABE D	LANGUAGE	2.4	08-05-2009	WAS	9	
	MATH APPL	5.7	08-05-2009	WAS	9	
	MATH COMP	4.8	08-05-2009	WAS	9	
	READING	11.2	01-30-2009	DAN	9	
	TOTAL MATH	5.1	08-05-2009	WAS	9	

G0000 TRANSACTION SUCCESSFULLY COMPLETED

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RSP OF: WAS-WASECA FCI

FUNC: PRT

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WAS F	ACE GED PREP: DECIMALS CLASS	07-21-2010	CURRENT				
WAS F	ACE CLS: LOST CIVILIZATIONS	07-01-2010	CURRENT				
WAS F	ACE CLS: PUBLIC SPEAKING	07-13-2010	CURRENT				
WAS F	REC CLS: CORE SOFTBALL CONDITNG	06-30-2010	06-30-2010	P	C	P	1
WAS F	REC: CORE CONDITNG VOLLEYBALL	06-29-2010	06-29-2010	P	C	P	2
WAS F	REC WELLNESS: NUTRITION CLASS	04-07-2010	04-28-2010	P	C	P	4
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DAN F	PARENTING-BLDDING FAMILY FUTURE	03-05-2009	04-22-2009	P	C	P	4
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	READING	11.2	01-30-2009	DAN	9	
	TOTAL MATH	5.1	08-05-2009	WAS	9	

G0000

TRANSACTION SUCCESSFULLY COMPLETED

*Math Comp*  
*all areas*  
*all areas*  
 Dividing  
 Fractions  
 Integers  
 Percents





# *The Mailbox Club*

*awards*

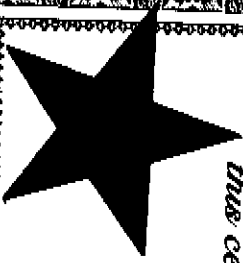
*Rita Hemphill*



*this certificate for completing The Life of Christ.*

*June 2, 2009*

*Debra Paul*



# Rita Hemphill

Rita Hemphill  
has attended and participated in the  
Adult Continuing Education Course  
Basic Math  
at F.C.I. Waseca, Minnesota.

September 20, 2010



J. H. Hemphill Continuing Education Coordinator

# Walking for Wellness

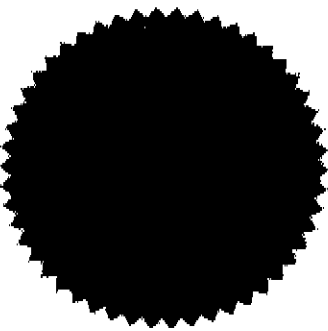
Awarded To

RITA HENRILL 18668-424,

for achieving 229 self-paced miles in the  
FCI WASECA Summer 2009 Wellness Walk  
promoting health awareness and physical activity.

October 25, 2009

*A. B. L.*



# Certificate of Participation

Presented to:

*Rita Stenphill*

in recognition for participating in the



October 23 through December 18, 2009



PEACEMAKER  
MINISTRIES

Federal Correctional Institution  
Waseca, Minnesota  
*Sara Stensrud*  
Sara Stensrud  
Facilitator  
*Mitch Moore*  
Mitch Moore  
Drug Treatment Specialist



PEACEMAKER  
MINISTRIES

# American Classical Musicals

**Brita Hemphill**

has completed the requirements for completion  
of the Adult Continuing Education Course  
American Classical Musicals  
at F.C.I. Waseca, Minnesota.

J. Harold Smith Continuing Education Coordinator



June 3, 2010

# American Romance Classics

Rita Hemphill

has completed the requirements for completion  
of the Adult Continuing Education Course  
American Romance Classics  
at F.C.I. Waseca, Minnesota.



J. Michael, Adult Continuing Education Coordinator

November 16, 2009

# Certificate of Completion

Presented to:

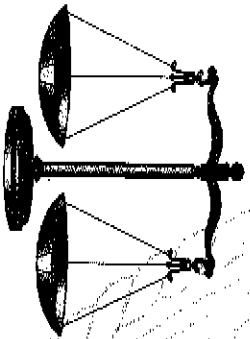
*Rita Hampill*

in recognition for completing the 15-hour "Freedom From Drugs"

## DRUG EDUCATION PROGRAM

Federal Correctional Institution  
Waseca, Minnesota

August 26, 2009



*[Signature]*  
Mitch Moore, M.S.  
Drug Treatment Specialist



# Certificate of Completion

Presented to:

*Rita Hemphill*

in recognition for your completing the 15-week

## NEW DIRECTION

Non-Residential Drug Abuse Program  
Federal Correctional Institution  
Waseca, Minnesota

September 14 through December 23, 2009

*[Signature]*  
Mitch Moore, M.S.

Drug Treatment Specialist  
Licensed Alcohol and Drug Counselor



# Understanding Nutrition

## CERTIFICATE OF COMPLETION

Awarded To

RITA HEMPHILL

for completing the 4 hour FCI Waseca class  
Understanding Nutrition during the Fit4Life Program  
promoting health awareness, education, & physical activity.

June 25, 2010

  
A. Roberts  
A. Roberts, Recreation Specialist

# Certificate of Completion

Presented to:

*Rita Hemphill*

in recognition for completing the RPP Class

*New Start*

*An introduction to cognitive change from addictive behaviors, destructive habits, & unhealthy lifestyles.*

Federal Correctional Institution  
Waseca, Minnesota

September 29, 2009

*Mitch Moore*  
Mitch Moore, M.S.

Drug Treatment Specialist

*New Start*

# Certificate of Completion

Presented to:

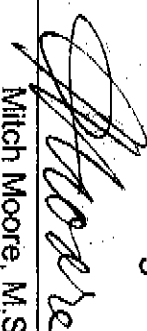
*Rita Hemphill*

in recognition for completing the

## Emotional Management Group Self-Improvement Class

Federal Correctional Institution  
Waseca, Minnesota

October 1 through 29, 2009

  
\_\_\_\_\_  
Mitch Moore, M.S.

Drug Treatment Specialist



# Certificate of Achievement

This certifies that

RITA HEMPHILL

has satisfactorily completed

SOFTBALL CORE CLASS

Consisting of 1 Hours of Training

This certificate is hereby issued this 8 day of JULY, 2010

  
RECREATION SPECIALIST

# ≈ Certificate of Achievement ≈

**This certifies that**

**RITA HEMPHILL**

**has satisfactorily completed**

**VOLLEYBALL CORE CLASS**

**Consisting of 2 Hours of Training**

**This certificate is hereby issued this 1 day of JULY, 2010**

  
RECREATION SPECIALIST

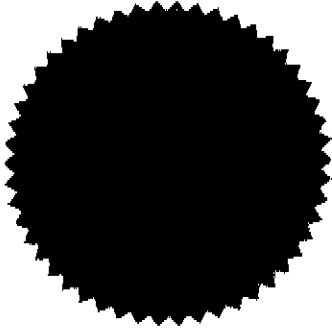
# Fit4Life Program

## CERTIFICATE OF ACHIEVEMENT

Awarded To

RITA HENPHILL

for completing 12 weeks of the FCI WASECA Fit4Life  
Health & Wellness program/team competition,  
promoting health awareness, education, & physical activity.



June 25, 2010

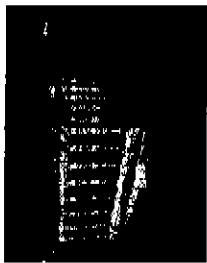
  
A. Richman, Recreation Specialist

# Lost Civilizations

Rita Hemphill

has completed the requirements for completion  
of the Adult Continuing Education Course  
Lost Civilizations  
at F.C.I. Waseca, Minnesota.

J. Harold Adult Continuing Education Coordinator



September 19, 2010

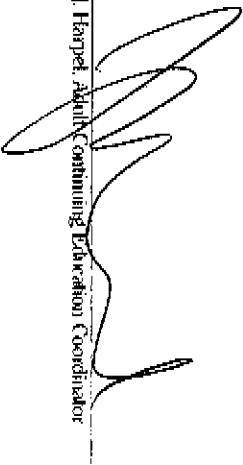


# Holiday Film Study

Rita Hemphill

has completed the requirements for completion  
of the Adult Continuing Education Course  
Holiday Film Study  
at F.C.I. Waseca, Minnesota.

J. Harpel, Adult Continuing Education Coordinator



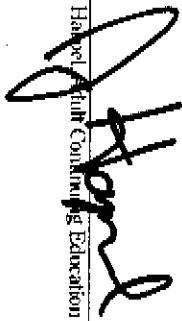
January 7, 2010

# Public Speaking

Rita Hemphill

has completed the requirements for completion  
of the Adult Continuing Education Course  
Public Speaking  
at F.C.I. Waseca, Minnesota.

J. Hanzel Adult Continuing Education Coordinator



September 24, 2010

# Better Body Class


## CERTIFICATE OF COMPLETION

Awarded To

RITA HEMPHILL

for completing the 4 hour FCI Waseca  
Better Body (RPP class)  
promoting health awareness, education, & physical activity.

June 30, 2010

  
A Robins Recreation Specialist

The University of Connecticut  
*Cooperative Extension System*

presents this

*Certificate of Participation*  
to

Rita Hemphill

for 12 hours of participation in the



Cathy Malley  
Extension Educator

*Cathy Malley*

Trainer

*Martha Padel*

Elizabeth Shack  
Education Consultant

*Elizabeth Shack*

Trainer

*E. Shack*

Date

*May 13, 2009*


# Walking for Wellness

Awarded To

RITA HENPHILL

for achieving 359 self-paced miles in the  
FCI WASECA Spring/Summer 2010  
Wellness Walking Program, promoting  
health awareness and physical activity.

September 5, 2010

  
A. Rehm, Recreation Specialist

# Recitals

Rita Memphis  
has participated in  
the Adult Continuing Education Course  
Decimals  
at F.C.I. Waseca, Minnesota.

  
J. H. Apple, Adult Continuing Education Coordinator



September 15, 2010